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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

HALL'S ADM'R et al. *v.* WHITE et al.

March 13, 1913.

[77 S. E. 475.]

1. Dower (§ 46*)—Right of Dower—Property—Subject to Dower.—A husband's beneficial interest in land against which there are charges and liens is only in the surplus of the proceeds of a sale of the land after the liens and charges have been discharged; and his widow is dowerable only in this surplus.

[Ed. Note.—For other cases, see Dower, Cent. Dig. §§ 92, 145-153; Dec. Dig. § 46.* 4 Va.-W. Va. Enc. Dig. 799; 14 Va.-W. Va. Enc. Dig. 356; 15 Va.-W. Va. Enc. Dig. 309.]

2. Trusts (§ 184*)—Account of Trustee—Charges and Credits.—Where a trustee has personally paid the greater part of the purchase price of the trust estate, amounts which he received from rents and the sale of timber should not be deducted from the price paid by him and owing to him, where he has expended those amounts in improvements on the trust property.

[Ed. Note.—For other cases, see Trusts, Cent. Dig. § 238; Dec. Dig. § 184.* 13 Va.-W. Va. Enc. Dig. 358; 15 Va.-W. Va. Enc. Dig. 1017.]

3. Appeal and Error (§ 541*)—Record—Statement of Costs.—The statement of costs attached to the petition of appellants for appeal is no part of the record, and cannot be considered on appeal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 2407; Dec. Dig. § 541.* 1 Va.-W. Va. Enc. Dig. 512; 14 Va.-W. Va. Enc. Dig. 81.]

4. Costs (§ 217*)—Order to Retax.—An order to the clerk of the court "to retax the costs herein, showing the amount of costs chargeable to plaintiff and defendants, respectively," does not determine how the costs are to be paid, but reserves that point for future consideration and adjudication.

[Ed. Note.—For other cases, see Costs, Cent. Dig. § 822; Dec. Dig. § 217.* 3 Va.-W. Va. Enc. Dig. 629; 14 Va.-W. Va. Enc. Dig. 262; 15 Va.-W. Va. Enc. Dig. 229.]

5. Trusts (§ 196*)—Order to Sell Land—Time to Redeem.—Where the court orders land held by a trustee sold to pay demands by the trustee for money expended, etc., the fact that no time was given in

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

which to redeem the land is not a valid objection, where it does not appear that in sales of this character time to redeem should be given.

[Ed. Note.—For other cases, see Trusts, Cent. Dig. § 251; Dec. Dig. § 196.* 8 Va.-W. Va. Enc. Dig. 693.]

Appeal from Circuit Court, Buckingham County.

Suit by W. E. Hall's administrator against H. M. White and others. From a decree ascertaining and determining the balance due H. M. White, and establishing such amount as an equitable lien upon a contract to land, plaintiffs appeal. Affirmed.

F. C. Moon, of Lynchburg, for appellants.

A. B. Dickinson and *A. L. Holladay*, both of Richmond, for appellees.

CORNELL *v.* FORBES et al.

March 13, 1913.

[77 S. E. 481.]

Equity (§ 377*)—Trial—Directing Issues—Evidence.—The weight of evidence being clearly against a plaintiff upon each and all of his claims to relief, it was proper to refuse to direct an issue out of chancery.

[Ed. Note.—For other cases, see Equity, Cent. Dig. §§ 788-793; Dec. Dig. § 377.* 8 Va.-W. Va. Enc. Dig. 55; 14 Va.-W. Va. Enc. Dig. 592; 15 Va.-W. Va. Enc. Dig. 546.]

Appeal from Chancery Court of Richmond.

Suit by L. L. Cornell against W. S. Forbes and others. Decree for defendant Forbes, and plaintiff appeals. Affirmed.

S. A. Anderson, *A. G. Collins*, and *Jas. E. Cannon*, all of Richmond, for appellant.

Meredith & Cocke, of Richmond, for appellee.

SAVINGS BANK OF RICHMOND *v.* TODD et al.

March 13, 1913.

[77 S. E. 446.]

1. Judgment (§ 721*)—Prior Proceedings—Res Adjudicata.—Where a husband, about to execute an assignment for the benefit of creditors, executed a deed of trust settling certain property on his wife in consideration of her release of her dower interest in the residue

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.